

Declaration, Power Of Attorney And Petition

We, **KENNETH STEPHEN ALBERT** and **PAUL JOSÉ MAES**, declare that we are citizens of the United States of America and Belgium, respectively, residing at **87 Greenwood Lane, Mt. Kisco, N.Y. 10549, United States of America**, and **1242 King's College Drive, Oakville, Ontario, L6M 2T9, Canada**, respectively.

That we verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **CHRONOTHERAPEUTIC FORMULATIONS OF DILTIAZEM AND THE ADMINISTRATION THEREOF**, which is described and claimed in the accompanying specification.

That we have reviewed and understand the contents of the above-identified specification, including the Claims as amended by any amendments referred to.

That we do not know and do not believe that this invention was ever known or used in the United States of America before our invention or discovery thereof, or patented or described in any printed publication in any country before our invention or discovery thereof, or more than one year prior to this application.

That this invention was not in public use or on sale in the United States of America for more than one year prior to this application.

That this invention or discovery has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve (12) months before this application.

That we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with 37 CFR 1.56(a), and that no application for patent or inventor's certificate on this invention or discovery has been filed by us or our representatives or assigns in any country foreign to the United States of America except as follows:

Canadian Patent Application Serial No. _____, filed on December 10, 1999, from which application convention priority is claimed.

That we hereby claim the benefit under Title 35, United States Code, S120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, S112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, S1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

UNITED STATES APPLICATIONS
None

| Application Serial No. | Filing Date | Status - Patented/pending/abandoned. |
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And we hereby appoint **IVOR M. HUGHES**, Suite 200, 175 Commerce Valley Drive West, Thornhill, Ontario, L3T 7P6, Canada, Registration Number 27,759; **NEIL H. HUGHES**, Suite 200, 175 Commerce Valley Drive West, Thornhill, Ontario, L3T 7P6, Canada, Registration Number 33,636; and **MARCELO K. SARKIS** Suite 200, 175 Commerce Valley Drive West, Thornhill, Ontario, L3T 7P6, Canada, Registration Number 37,015; as our attorneys or agents to prosecute this application and to transact all business in the Patent Office connected therewith.

Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our name to the foregoing specification and claims, declaration, power of attorney, and this petition.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| INVENTOR | <u>KENNETH</u> First Name | <u>STEPHEN</u> Middle Name | <u>ALBERT</u> Last Name |
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X Kenneth Stephen Albert
Signature

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| DATE | <u>December</u> Month | <u>X 16</u> Day | <u>1999</u> Year |
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| INVENTOR | <u>PAUL</u> First Name | <u>JOSÉ</u> Middle Name | <u>MAES</u> Last Name |
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X Paul Maes
Signature

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| DATE | <u>December</u> Month | <u>X 16</u> Day | <u>1999</u> Year |
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